

THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 1, 2007

ORDINANCE NO. 07-23-463

Re: Creating a new Division of Parks and Recreation

RECITALS

The Board of County Commissioners recognizes that the programs and staffing of the Department of Parks and Recreation have almost doubled over the past decade as the needs of the County's growing population have grown.

The Department of Parks and Recreation has been a part of the Public Works Division for over three decades. The Department currently employs fifty-three employees and approximately 150 part-time employees who provide recreational programming and facility support. The Department supervises six park/school facilities and fifteen developed parks, including the newly opened Utica District Park between Frederick and Thurmont, adjacent to US Route 15.

The Board further notes the status of the Department within the Public Works Division is uncommon in other jurisdictions within the State of Maryland, and other states. The majority of the responsibilities of the Public Works Division are technical and construction related, where most of the responsibilities of the Department of Parks and Recreation are people related and involve providing an individual service to County residents.

The Board finds that the growth of population in the County, reflected in the growth of the Department, has created an opportune time to separate the Department from the Public Works Division and create a separate Parks and Recreation Division.

The Board of County Commissioners held a duly advertised public hearing on this ordinance on June 12, 2007. The public had an opportunity to comment on the proposed amendment at this public hearing.

The formation of a separate Division requires the amendment of certain sections of the Frederick County Code, Chapter 1-2, to reflect the new status of the Parks and Recreation Division.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the formation of a separate Division creating the Parks and Recreation Division is hereby approved and changes to Chapter 1-2 of the Frederick County Code are as follows:

CHAPTER 1-12: PARKS AND RECREATION

ARTICLE I: IN GENERAL

§ 1-12-1 SHORT TITLE.

This chapter shall be known and cited as the "Frederick County Parks and Recreation Ordinance."

§ 1-12-2. PURPOSE.

The purpose of this chapter is to establish regulations providing for the public's safe and peaceful use of county park land; for the maintenance, protection and preservation of the property, facilities and natural resources of the county and for the recreation programs conducted on park land. Park land is open for use by all members of the public regardless of race, religion, creed, color, sex, national origin or disability.

§ 1-12-3. APPLICATION.

(A) This chapter applies to all Frederick County public park land and recreation programs as defined herein.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

(B) This chapter applies to all invitees who visit any park land or participate in any recreation program under the control of the [Department] DIVISION. It does not apply to [Department] DIVISION personnel in the performance of their duties.

§ 1-12-4. DEFINITIONS AND WORD USAGE.

For the purpose of this chapter, the following terms, words, phrases, and their derivatives shall have the meanings given. When not inconsistent with the context, words used in the present tense include the future, and words in the plural number include the singular number and vice versa. The word "shall" is always mandatory and not merely directory.

ALCOHOLIC BEVERAGES. A liquid beverage containing 0.5% or more of alcohol by volume.

ANIMAL. Includes any animal either domesticated or non-domesticated, reptiles, fish, amphibians or members of the avian species.

BOCC. The Board of County Commissioners of Frederick County, Maryland.

CAMP or CAMPING. Staying in a county park land overnight, after normal closing hours, with permit.

COUNTY. Frederick County, in the State of Maryland.

[DEPARTMENT. The Frederick County Department of Parks and Recreation under the Division of Public Works for Frederick County.]

[DEPARTMENT HEAD. The person designated by the BOCC as a chief administrator for the Frederick County Department of Parks and Recreation.]

DESIGNEE. An employee or volunteer acting under the authority of the [Department Head] DIVISION DIRECTOR.

DIVISION. THE FREDERICK COUNTY PARKS AND RECREATION DIVISION.

DIVISION DIRECTOR. THE PERSON DESIGNATED BY THE BOCC AS A CHIEF ADMINISTRATOR FOR THE FREDERICK COUNTY PARKS AND RECREATION DIVISION

EXHIBITION. An exhibiting, showing or presenting to view a public display.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

FREDERICK COUNTY PARKS AND RECREATION COMMISSION. Shall be referred to herein as **FCPRC**.

GIFT. A voluntary transfer of property, real or personal, without consideration.

GROUND. Real property within Frederick County Park Land.

LITTER. Refuse or other discarded material.

LP & RP. The current Frederick County Land Preservation and Recreation Plan.

NUISANCE. Any substantial and unreasonable interference with, or disturbance of, the use or enjoyment of park property or park facilities by another park visitor.

PARK FACILITY. Any natural or man-made amenity located on park land, used by the public, including but not limited to shelters, playgrounds, athletic fields, structures and designated areas (e.g. tractor pull tracks, batting cages).

PARK LAND. Land and water which Frederick County owns or in which it holds a leasehold, easement or other legal interest, and is managed by the [Department of] Parks and Recreation DIVISION for the use and benefit of the public for recreational purposes and/or the protection of wildlife habitats and/or natural, scenic or historical resources.

PARK LAND includes but is not limited to all parks, trails, and open space property or portions thereof, either purchased or accepted by the county. Also included are all vegetation, soils, natural substances, buildings, signs, improvements, fixtures, equipment, monuments, historic artifacts, statues, structures and their contents and property/boundary survey markers/monuments located on the aforesaid land and water.

PERFORMANCE. An entertainment presented before an audience.

PERMIT. A written permission and/or other official permit form issued by the [Department Head] DIVISION DIRECTOR or designee.

PERSON. Shall extend to and be applied to firms, partnerships, corporations, associations, organizations, trustees, agents, and bodies politic, or any combination thereof, as well as to natural persons.

PERSONAL PROPERTY. Every species of property except real property, as defined herein.

PUBLIC PEACE. The peace or tranquility of persons in the park land.

REAL PROPERTY. Land, tenements and hereditaments.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

RECREATIONAL FACILITY. Any place under the control of the [Department] DIVISION where recreational activities occur.

RIDING ANIMALS. Any domesticated animal that is meant to be ridden for recreation.

SUNSET. The time of day at which the sun descends below the horizon.

TOURNAMENT. Teams competing in a series of contests.

VEHICLES.

- (1) Wheeled conveyances, whether motor powered, animal-drawn, or self propelled; or
- (2) Any motorized or non-motorized conveyance capable of flight; or
- (3) Any motorized or non-motorized conveyance that travels on or under the water.

The term shall include any trailer in tow of any size, kind, or description. The term includes, but is not limited to, motor vehicles, ATVs, motorcycles, scooters (both motorized and not), bicycles, tricycles, airplanes, balloons, gliders, boats, canoes and pontoon boats.

§ 1-12-5. USE OF FEES.

All funds derived from rentals, fees, permits or from other sources for the use of any county recreational facilities shall be deposited with the County Treasurer in the General Fund Account, unless designated as a separate enterprise fund account as approved by the BOCC.

§ 1-12-6. SEVERABILITY.

If any portion, section, subsection, sentence, clause, or phrase of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this chapter, it being the intent of the BOCC that this chapter shall stand, notwithstanding the invalidity of any portion, section, subtitle, sentence, clause, hereof.

§ 1-12-7. NAMING POLICY.

Naming of a park, an area within a park land or a park facility must be approved by the BOCC in accordance with the naming policy adopted by the BOCC.

§§ 1-12-8 – 1-12-19. RESERVED.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

ARTICLE II: PARKS AND RECREATION COMMISSION

§ 1-12-20. CREATED.

There is hereby created the Frederick County Parks and Recreation Commission.

§ 1-12-21. MEMBERS.

(A) The FCPRC shall consist of 8 persons appointed by the Board of County Commissioners, plus 1 member of the Board of Education and 1 member of the Board of County Commissioners, for a total of 10 members. All planning regions are to be represented, however, if there are no applications from interested and qualified persons in an unrepresented planning region, the BOCC may appoint an interested and qualified person from another planning region of the county. All appointees must be registered voters in Frederick County. All members are voting members. All appointments shall be for 4 years. Terms of office shall be staggered and shall begin the first day of July of the year of the appointment.

(B) Any member who is absent from 50% or more of the scheduled meeting or hearings during any 6-month period unless excused by the FCPRC Chair shall be deemed to have resigned from his or her position on the FCPRC. It shall be the presiding officer's responsibility to notify the Commission of such vacancy. All members shall receive a copy of such notice.

(C) FCPRC shall review all applications for membership and make recommendations to the BOCC regarding appointments and reappointments to the FCPRC.

(D) FCPRC members shall receive no compensation for their services as such, but may be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties within the amount made available by the appropriation for such purposes.

§ 1-12-22. OFFICERS.

(A) At the regular meeting in the month of July, the members of the FCPRC shall select a Chairperson and Vice-Chairperson from its BOCC-appointed membership. The Chairperson and Vice-Chairperson shall serve for a 1-year term and can only succeed themselves 1 term.

(B) The Chairperson shall preside at all meetings and appoint all committees. The Vice-Chairperson shall perform the duties of the Chairperson in his or her absence, or when unable to serve.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

(C) There shall be a Recording Secretary, appointed by the FCPRC. The Recording Secretary shall record the minutes of the meetings of the FCPRC, send out notices and reports to members of regular or special meetings and perform other secretarial services as required by the FCPRC.

§ 1-12-23. MEETINGS.

(A) Regular meetings of the FCPRC shall be held monthly on a regularly scheduled date agreed upon by the members of the FCPRC. Special meetings shall be called by the Chairperson or the [Department head] DIVISION DIRECTOR as deemed necessary. Notice of regular meetings shall be sent to the members of the FCPRC by the Secretary at least 5 days prior to the date of the meeting.

(B) A quorum must be present before any business is transacted, and 5 members of the FCPRC shall be considered a quorum.

§ 1-12-24. PURPOSES.

(A) The purposes and objectives of the FCPRC shall be to make recommendations to the BOCC and [Department] DIVISION as appropriate regarding:

- (1) General policy relating to parks and recreation for the county;
- (2) The park land for the county;
- (3) Properties over which the [Department] DIVISION has jurisdiction;
- (4) Recreation programming for the county;
- (5) Park master plans;
- (6) Community Grant Program applications and awarding funding on a yearly basis; and

(B) Obtain input and represent the parks and recreation needs and interests of Frederick County citizens.

§ 1-12-25. COMMITTEES.

The Chairperson shall appoint from the membership of the FCPRC standing committees and special committees of the FCPRC as deemed necessary. The committees shall consist of at least 3 persons.

§ 1-12-26. ACCEPTANCE OF GIFTS.

The FCPRC may recommend to the BOCC acceptance of gifts of real or personal property or money for use in and/or as public parks or to create or improve park facilities. Any accepted gift will become the property of the BOCC.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

§ 1-12-27. COOPERATION WITH GOVERNMENTAL AGENCIES.

The FCPRC shall cooperate with other governmental agencies where appropriate, in planning, acquiring, leasing, providing, establishing, maintaining and conducting other recreation and park areas and facilities and activities.

§§ 1-12-28 – 1-12-29. RESERVED.

ARTICLE III: [DEPARTMENT OF] PARKS AND RECREATION DIVISION

§ 1-12-30. PURPOSE OF THE [DEPARTMENT OF] PARKS AND RECREATION DIVISION.

The purpose of the Frederick County [Department of] Parks and Recreation DIVISION is to acquire, plan, develop, and maintain park land, park facilities and other county-owned land assigned by the BOCC and to create, develop and execute recreation programs for county residents.

§ 1-12-31. RULES AND REGULATIONS.

The [Department] DIVISION may adopt rules and regulations for the conduct of business and the protection of park land, park facilities and other properties under its control, subject to the approval of the BOCC.

§ 1-12-32. HOURS OF OPERATION.

(A) Park land shall be open to the public every day within designated hours as set by the [Department Head] DIVISION DIRECTOR:

(1) The [Department Head] DIVISION DIRECTOR or designee may close park land to public entry for the protection of park property, public health, safety or public welfare, by posting signs, or placing barricades in the vicinity of typical points of entry to the park land.

(2) The [Department Head] DIVISION DIRECTOR or designee may open or keep any park land open beyond normal hours of operation, for the protection of park property, public health, safety or public welfare, and by permit.

(B) Trespass. No person shall remain upon park land at any time between closing time of said park land and opening time of the following morning except by permit issued by the [Department Head] DIVISION DIRECTOR or designee.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

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(C) No person shall remain upon park land after a lawful command by any law enforcement officer or by the [Department Head] DIVISION DIRECTOR or designee to vacate the park land.

§ 1-12-33. FEES AND CHARGES.

No person shall use any park facility, park land or area for which a fee or charge has been established by the [Department] DIVISION without payment of such fee or charge in advance.

§ 1-12-34. PERMITS.

(A) *Application for a permit*

(1) Any person requesting use of park land or park facilities for which a permit is required must apply for and obtain a valid permit before such use.

(2) Permits will be issued in accordance with the rules and regulations of the [Department] DIVISION.

(B) *Permit requirements.*

(1) Permits for exclusive use of any park facility or part thereof may be issued by the [Department Head] DIVISION DIRECTOR or designee.

(2) Applications for permits shall be made on a form provided by the [Department] DIVISION.

(3) The [Department Head] DIVISION DIRECTOR will determine whether the proposed use or activity is consistent with public health, safety and welfare.

(4) The [Department Head] DIVISION DIRECTOR will determine whether the proposed use or activity is consistent with the size, location and available amenities of the relevant facility.

(5) No permit shall be issued to anyone under the age of 18.

(6) The permit holder shall keep the permit in his or her possession and shall present the permit to a law officer, park official or [Department Head] DIVISION DIRECTOR upon request.

(7) The permitted activities shall be conducted in strict accordance with the terms and conditions of the permit. It shall be unlawful for a person to violate any provision of a permit.

(8) The permit holder shall be responsible for the conduct and good order of the group participating in the permitted activity. It shall be the responsibility of the permit holder to reimburse the [Department] DIVISION for any and all costs incurred as a result of loss, breakage, destruction, and/or removal of park land property and/or recreational facilities as well as any excessive clean-up of the premises.

(9) Proof of insurance may be required for certain permits.

(10) The [Department Head] DIVISION DIRECTOR or designee may revoke a permit at any time for violation of any provision of the permit, law or regulations,

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

including, but not limited to, failure to produce proof of insurance or the use of misleading or fraudulent information in order to obtain a permit. Revocation of a permit will result in the loss of all privileges granted as well as the forfeiture of all fees paid for the permit.

(11) Permits may be revoked by the [Department Head] DIVISION DIRECTOR or designee for any infraction of park rules and regulations at any time.

(12) The [Department Head] DIVISION DIRECTOR may assess charges against a permit holder to recover costs related to misuse of park land or park facilities.

(C) *Certain activities by permit only.*

(1) Any performance shall have a permit allowing such performance.

(2) No person shall place, construct or erect any building or structure of whatever kind, whether temporary or permanent in character, or run or string any public service utility into, upon, or across park land, except by permit.

(3) Activities of "moon bounce" and animal rides or other similar activities shall have a permit allowing such activity.

(4) Use of park facilities for tournament play is by permit only.

(5) No person shall indulge in any exhibition, demonstration, parade, assembly, public meeting or any other public expression of view or carry out any performance without a permit issued by the [Department] DIVISION.

(6) Advertising of sale of goods or services is prohibited except by permit.

(7) No person, in or on park land, shall dig or remove any soil, objects (submerged or not), rocks, stones, trees, shrubs or plants, downed-timber, or other wood or material, nor make any excavation by tools, equipment, blasting or other means or agency, except by permit.

(8) Other activities shall have a permit as deemed to require a permit by the [Department] DIVISION.

(D) *Certain activities prohibited on park land.*

(1) Use of park land by any person for recreational activities which precludes use of the park by the general public.

(2) Any activity which is illegal under any federal or the State of Maryland law.

(3) Hindering or obstructing the use of any structure or facility on park land by other park visitors.

(4) Defacing, altering, injuring or disturbing any monument, park facility, boundary line, physical structure, land, sign, historic feature or ruin.

(5) Entering or exiting by vehicle, except at officially designated entrances and exits.

(6) Swimming in non-designated swimming areas.

(7) Boating in non-designated areas except by permit.

(8) Gaming or profit-making activities except by permit.

(9) Commercial use of utilities.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

- (10) Advertising of alcohol and tobacco products.
- (11) Being nude, exposing him or herself or engaging in sexual intercourse or sodomy.
- (12) Urinating or defecating in non-designated facilities or areas.
- (13) Other prohibitions as deemed appropriate by the [Department] DIVISION.

§ 1-12-35. PROTECTION OF PROPERTY, STRUCTURES AND NATURAL RESOURCES.

No person shall:

- (A) Intentionally remove, alter, injure, destroy any tree, other plant, rock, soil or mineral without a permit.
- (B) Dig trenches, holes or other excavations in park land without a permit.
- (C) Introduce any plant, animal or other agent within park land without a permit.
- (D) Harvest, grow, or cultivate a controlled substance.

§ 1-12-36. USE OF PARK LAND AND PARK LAND FACILITIES.

(A) The [Department Head] DIVISION DIRECTOR or designee may issue permits to reserve athletic fields, recreation buildings, group picnic areas, pavilions, camp sites, and certain other park land facilities and activities for the sole use of individual(s) or groups as designated on the permit. A person who does not hold a permit for a specific place and where a permit has been issued for that same place at the same time, must surrender that place to the permit holder.

(B) Permits for reservation of facilities and activities are subject to the following conditions, in addition to the conditions listed in division (A):

- (1) The facilities or activity areas applied for are available and appropriate for the purpose specified in the permit.
- (2) A permit reserving a site or facility entitles the permit holder to its exclusive use on the date and times specified on the permit.
- (3) No person shall camp on park land, except by permit and in such areas as may be designated for such purpose by the [Department] DIVISION.

§ 1-12-37. ANIMALS GENERALLY.

(A) No person shall hunt, stalk, molest, harm, frighten, kill, injure, trap, chase, tease, shoot or throw objects at any animal.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

(B) No person shall remove or have in his or her possession any non-domesticated animal except by permit or in accordance with posted regulations of the [Department] DIVISION.

(C) All animals must be leashed on a tether no longer than 9 feet.

(D) No person shall allow any domesticated animal to create a nuisance.

(E) No person shall allow any domesticated animal to run at large except in designated areas.

(F) Riding animals may only be ridden in designated areas.

(G) In order to protect the resources, the [Department Head] DIVISION DIRECTOR may issue a permit for the control, removal or management of any non-domesticated animal.

(H) A person bringing any animal on park land is responsible for immediate removal and clean up of the animal's defecation.

§ 1-12-38. FIRES.

(A) No person shall build or cause to be built any fire or use any type of heating device with combustible materials from which a fire could be ignited, except within designated areas.

(B) No person shall leave any fire or any type of heating device, unless attended by an adult.

(C) All fires or any type of heating device, shall be cold to the touch before leaving the area.

(D) Any lighted match, cigar, cigarette or other burning materials must be extinguished before disposal.

§ 1-12-39. NOISE; AMPLIFICATION OF SOUND.

It shall be unlawful for any person to:

(A) Install, use, operate or permit the use or operation within the park land of any of the following devices: Sound amplifying equipment such as loudspeakers, radios, tape players, phonographs, television sets, musical instruments or other devices for the production or reproduction of sound without authorization by permit. It is unlawful to use this equipment in such a manner as to be disturbing or a nuisance to persons of reasonable sensitivity to noise within the area of audibility.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

(B) It is unlawful to yell, shout, whistle, sing or make any unpleasant and unnecessary noises to disturb the peace and quiet within any park land or cause discomfort or annoyance to persons of reasonable sensitivity to noise within the area of audibility, except for special programs at dates and times as authorized by permit.

§ 1-12-40. RECREATIONAL ACTIVITIES.

Certain recreational activities are restricted to designated areas of park land and/or otherwise regulated, pursuant to the provisions of this section.

(A) *Bicycling*: Bicycle riding is subject to the following conditions:

- (1) Riding is permitted on roads in park lands.
- (2) Riding is permitted on paths or other trails designated for that purpose.
- (3) Bicycles must be operated in a safe and controlled manner.
- (4) Bicycles are subject to speed limits and other posted traffic regulations.
- (5) Bicycles are subject to regulations under the state vehicle laws.

(B) *Fishing*: Fishing is permitted only in designated areas and in compliance with state and other applicable laws.

(C) *Horseback riding*: Horses are permitted only in designated areas and trails.

(D) *Roller skating; rollerblading; skateboarding; mountain boarding*: Roller skating, rollerblading, skateboarding and mountain boarding are permitted in designated areas only.

(E) *Swimming; water sports*: Swimming and other water sports are allowed only in areas designated for such activities and only during the hours specified.

(F) *Winter sports*:

- (1) The use of downhill skis or snowmobiles is prohibited on all park lands.
- (2) No person shall skate, sled, coast or walk on any ice.
- (3) No person shall coast with hand sleds, snow boards, bob sleds, snow tubes, carts or other vehicles or devices with or without wheels or runners except at such time and place as designated.
- (4) Cross country skiing and snow shoeing are permitted only in designated areas.
- (5) No person shall skate, sled or ski in a negligent manner.

§ 1-12-41. OPERATION AND PARKING OF MOTOR VEHICLES.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

(A) No vehicle shall block or partially block any road, boat ramp, or trail. Vehicles must be parked in designated areas, unless specifically authorized by permit.

(B) No person shall operate a vehicle except on roadways or areas designated by the [Department] DIVISION; provided however, no person shall operate any type of mini bike, trail bike, all-terrain vehicle, snowmobile or other vehicle that cannot be registered for operation on the public highways, except in such areas as may be designated.

(C) Traffic laws and parking regulations applied on public roads in the county are applicable in park land, unless otherwise set forth in this section.

(D) Pedestrian right-of-way. Pedestrians have the right-of-way over any vehicle.

(E) The speed limit for motorized vehicles in park land is the posted speed limit within the park land.

(F) No person shall exceed the posted speed limit on park land.

(G) Except for emergency repairs, the repair or maintenance of any vehicle on park land is prohibited.

(H) Any vehicle parked in violation of this section is subject to being towed without notice at the owner's expense.

(I) No vehicles will be left on park land after official closing time of the park except by permit. Any vehicle parked in violation of this section is subject to being towed without notice at the owner's expense and risk.

(J) Parking on park land is restricted to park users and permit holders.

§ 1-12-42. PEDDLING AND SOLICITING.

No person shall peddle or solicit business of any nature, collect any funds for any service, charity or any purpose, distribute handbills or other advertising matter, unless by permit.

§ 1-12-43. WEAPONS AND FIREWORKS.

(A) No person shall have in his or her possession any firearm or weapon, including but not limited to bows, air guns, paint ball guns and slingshots, while on park land unless by permit. This section shall not apply to any persons authorized by law to carry firearms in the discharge of their official duties or to persons participating in programs sponsored and conducted by the [Department] DIVISION that involve the use of such firearms and weapons.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

(B) No person shall have in his or her possession any fire works or explosives on, over, or onto park land unless by permit.

(C) No person shall discharge any weapon, fireworks or explosives over or onto park land.

§ 1-12-44. LITTERING.

(A) No person shall litter on any park land. All litter shall be deposited in the containers provided for such purpose.

(B) Only litter that is a result of use within park land shall be discarded in the containers provided.

(C) Where no containers are available, litter shall be removed from the park land by the person or persons creating said litter.

§ 1-12-45. ALCOHOLIC BEVERAGES.

No person shall possess or consume alcoholic beverages on park land.

§ 1-12-46. IMPERSONATING OR INTERFERING WITH EMPLOYEES.

(A) No person shall impersonate any employee of the [Department] DIVISION.

(B) No person shall interfere, harass, hinder or disobey the lawful command of any employee or designee in the discharge of his or her duties.

§ 1-12-47. DISORDERLY CONDUCT; PUBLIC NUISANCE.

(A) No person shall engage in fighting or exhibit threatening, violent, disorderly or indecent behavior.

(B) No person shall use obscene or profane language or make any obscene gesture or display.

(C) No person shall address any person present using language tending to incite a breach of the peace or to be inimical to the peace.

(D) No person shall create a condition that is hazardous or physically offensive to any person.

(E) No person shall engage in any conduct which disturbs the public peace while on park land.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

§ 1-12-48. CRIMINAL PENALTIES.

It shall be a misdemeanor to violate any of the provisions of this article. Any person so convicted of a violation shall be fined not more than \$500, or be sentenced to no more than 5 days in jail, or both, at the discretion of the court.

§ 1-12-49. CIVIL PARK INFRACTIONS.

(A) Pursuant to Chapter 634 of the Laws of Maryland 1984, being § 2-2-29 of the Frederick County Code (1979), any violation of the provisions of Article III of this chapter is a civil infraction and shall be called a civil park infraction. If after investigation, a civil park infraction is believed to exist or is observed directly by park personnel, the Frederick County [Department Head] DIVISION DIRECTOR of THE Parks and Recreation DIVISION or his or her [department] DIVISION representative shall deliver a citation or a warning to the person or persons responsible for the infraction. If the infraction occurs inside of a vehicle, the driver shall also be cited as having control of the vehicle.

(B) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (1) The name and address of the person charged (or warned);
- (2) The nature of the violation;
- (3) The location of the violation;
- (4) The date(s) of the violation;
- (5) The amount of the fine to be assessed (or possible of assessment);
- (6) The manner, location and time in which the fine may be paid;
- (7) The person's right to stand trial for the violation (if applicable); and
- (8) A certification by the [Department Head] DIVISION DIRECTOR or authorized designee attesting to the truth of the matters set forth.

(C) A fine of \$50 is hereby imposed upon any person responsible for a civil park infraction for each violation. All fines shall be payable to the Board of County Commissioners of Frederick County, Maryland, in the office of the [Department of] Parks and Recreation DIVISION, which shall remit same on a daily basis to the County Treasurer. Each day such violation is permitted to exist shall be considered a separate infraction.

(D) A person who receives a citation may elect to stand trial for the offense by filing with the [Department Head] DIVISION DIRECTOR a notice of intention to stand trial. The notice shall be given at least 5 days before the date of payment of the fine as set forth in the citation. On receipt of the notice of intention to stand trial, the [Department Head] DIVISION DIRECTOR shall forward to the District Court for Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. On receipt of

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[Brackets] indicate matter deleted from existing law.

the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for park infractions shall be remitted to the Board of County Commissioners of Frederick County, Maryland, through the Frederick County Treasurer.

(E) If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for a fine of \$100 for each infraction. If after 35 days, the citation is not satisfied, the [Department Head] DIVISION DIRECTOR may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

(F) Adjudication of an infraction under this section is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(G) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Ann. Code, Art. 23A, § 3(B)(8) through (15). However, the County Attorney is hereby authorized to prosecute park infractions under this section.

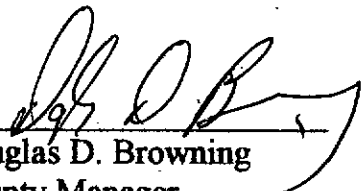
(H) If a person is found by the District Court to have committed a civil park infraction, he or she shall be liable for the costs of the proceedings in the District Court.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on July 1, 2007.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 26th day of June, 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND


Douglas D. Browning
County Manager


Jan H. Gardner, President

MJC 6/26/07

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.